

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CARMEL CAPITAL, LLC,

Plaintiff,

v.

IPM CONSULTING, LTD

Defendant.

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Case No.: _____

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff Carmel Capital, LLC (“Plaintiff” or “Carmel”), by and through its counsel, alleges Copyright Infringement against Defendant IPM Consulting, Ltd. (“Defendant” or “IPM”), and requests relief from this Court based on the following:

THE PARTIES

1. Plaintiff Carmel Capital, LLC is a Texas limited liability company with its principal place of business located at 2908 Windstone Court, Bedford, TX 76021.

2. Defendant IPM Consulting, Ltd. Is a domestic, for-profit corporation with its principal place of business located at 6 E. Scott Street #2, Chicago, Illinois 60610. Service of Process may be effectuated by serving IPM’s Registered Agent, Laura A Fisher, IPM Consulting, Ltd., located at 6 E. Scott Street #2, Chicago, Illinois 60610.

JURISDICTION AND VENUE

3. This is a suit for Copyright Infringement under the United States Copyright Act of 1976, 17 U.S.C. §101, *et seq.*

4. This Court has jurisdiction over Plaintiff's claims for Copyright Infringement pursuant to 28 U.S.C. §§1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§1391(b)(2) and 1400(a).

BACKGROUND

6. Carmel realleges paragraphs 1 through 5 as if fully set forth herein.

7. Carmel is the owner of U.S. Copyright No. VAu 1-041-373 ("Copyright") entitled Brian Harness Photography Collection 2010 Vol. III. A true and correct copy of the Copyright is attached hereto as Exhibit A.

8. The named artist of the Copyright is Brian Harness ("Harness"). *See id.*

9. Because Mr. Harness's income and livelihood as an independent, professional photographer depends, in part, on his ability to control the use of his intellectual property, including the photographs covered by the Copyright, Harness is diligent in obtaining Registered Copyrights and enforcing those Copyrights against unlawful use, including the unlawful use by the Defendant in this matter.

10. On October 1, 2020, Harness assigned the Copyright to Carmel. A true and correct copy of the assignment is attached hereto as Exhibit B at ¶ 1.

11. Brian Harness is a professional photographer. Carmel Capital is a member of Harness Land Services. Harness Land Services is wholly owned by Brian Harness.

12. A copy of two of the photographs, which were filed as part of the Copyright, are depicted below:



©Brian Harness 2010

DeanFoods0485



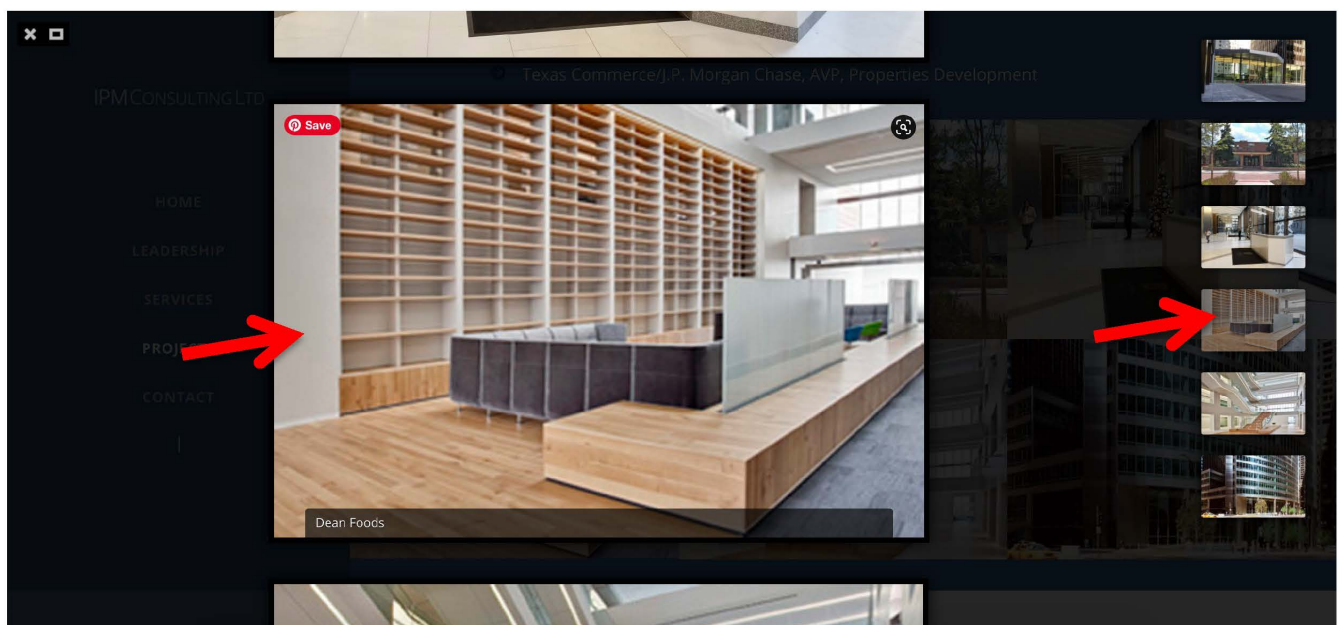
©Brian Harness 2010

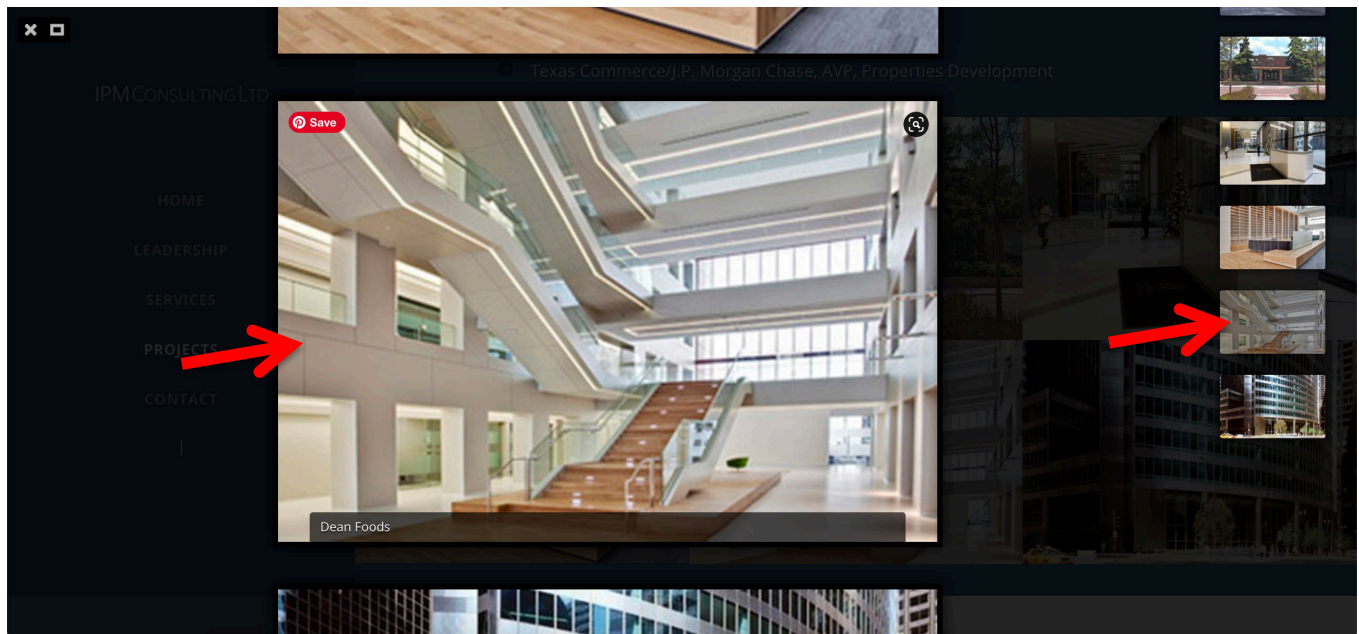
DeanFoods0544

13. In promotion of its business, Defendant, without permission from Harness or Carmel, misappropriated these photographs and included the copyrighted photographs on its website.

14. Upon information and belief, Defendant has owned or controlled the website, www.ipmconsultingltd.com since at least 2011 and has last updated the page in 2019.

15. A true and correct copy of the screenshots of Defendant's web page displaying DeanFoods0485 and DeanFoods0544 is attached hereto as Exhibit C:





16. The photographs noted above, remain on Defendant's web page until sometime after October 26, 2020.

17. Because Defendant had no permission to use the protected photographs, Defendant is liable for direct Copyright Infringement.

COUNT 1 – DIRECT COPYRIGHT INFRINGEMENT

18. Carmel realleges paragraphs 1 through 17 as if set fully herein.

19. Carmel alleges Defendant is liable for direct Copyright Infringement pursuant to 17 U.S.C. 501(a).

20. Carmel has been damaged by Defendant's actions.

DEMAND FOR JURY TRIAL

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff Carmel Capital, LLC demands that:

- a. Defendant be found liable for direct Copyright Infringement;
- b. Defendant be enjoined from reproducing, administering, displaying, or publishing Carmel's copyrighted works;
- c. Defendant be ordered to pay statutory damages pursuant to 17 U.S.C. §504;
- d. Defendant pay Carmel's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. §505;
- e. Defendant pay pre-judgment and post-judgment interest on any damages awarded; and
- f. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff Carmel Capital, LLC reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: October 26, 2020

Respectfully submitted,

/s/ Glenn E. Janik

Glenn E. Janik, Lead Attorney

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